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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Yemen Crisis

Yemen Crisis Surpasses 150 Days And 4,500 Victims;, nearly 2,000 [1]of them were civilians, 400 of which were children. That is an average of eight children killed or injured every day, according to UNICEF[2]. "This conflict is a particular tragedy for Yemeni children", said UNICEF Representative in Yemen, JulienHarneis. "Children are being killed by bombs or bullets and those that survive face the growing threat of disease and malnutrition. This cannot be allowed to continue", he added.[3]

United Nations' humanitarian coordinator, Johannes Van Der Klaauw, said Yemen had become "a humanitarian catastrophe." [4]And it is one that is likely to get worse and civilians are left without medical aid. Even Humanitarian Aid Groups Are Targeted, as hospitals and rescue teams in the field were increasingly targeted, it has become too dangerous for medical aid organizations to provide help for civilians.

Humanitarian aid groups say that the situation is growing worse every day with shortages of food, water, medicines and other essential services. Millions of people are in need of assistance in Yemen, and 1.2million people been displaced[5], and million in Millions in Yemen on brink of starvation, Oxfam warns[6]

The conflict continues to take a serious toll on civilians, both in terms of direct violence and in terms of the effect on many economic, social and cultural rights. The right to food, water, education and health are severely undermined. Water is unavailable or available sporadically in 20 out of 22 governorates. About 1.6 million girls and boys under the age of five are estimated to suffer from acute malnutrition and are in need of urgent treatment.[7] An estimated 1.84 million children have been affected by the closure of 70 per cent of the schools across the country. And in Aden, the humanitarian situation is particularly dire, with limited availability of food and the absence of diesel for the main water supply and to provide generator power for hospitals and clinics.

In the case of use cluster bombs in early May, Human Rights Watch[8] accused Saudi Arabia of using US-supplied cluster munitions in Yemen, especially in the northern Sa'ada governorate. The particular cluster munitions systems reportedly used are CBU-105 Sensor Fused Weapons,[9] which are guided bombs intended to take out tanks and other armoured vehicles with a flurry of explosions spread out over an area. The Saudi military acknowledged using CBU-105 bombs, but claimed that they were only employed against armoured vehicles and not in population centres, and accused Human Rights Watch of getting information from the Houthi militia.[1]

The use of cluster bombs is severely condemned in international law. It has been prohibited under any circumstances by the Convention on Cluster Munitions of 2008,[10] which forbids the use, manufacture, transfer, stockpile and incitement to the use of cluster bombs over an area (art. 1).[11] The critical aspect of this type of bomb is its capability to disperse sub-munitions over an area, which, failing to detect their target, may lay dormant and unexploded until people stumble upon them. For its indiscriminate effects, such bombs are considered to pose a lethal danger to the civilian population in an armed conflict.

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[1] http://www.un.org/sg/spokesperson/highlights/?HighD=8/18/2015&d_month=8&d_year=2015
[2] http://www.unicef.org/media/media_82940.html
[3]http://www.unicef.org/media/media_82940.html
[4]http://www.un.org/apps/news/story.asp?NewsID=51504#.VdzThGb9q2w
5 http://www.unhcr.org/pages/49e486ba6.html

[6]http://www.reuters.com/article/2015/07/28/us-yemen-security-hunger-idUSKCN0Q226B20150728

[7]http://www.ohchr.org/AR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16253&LangID=E
[8]http://www.hrw.org/news/2015/05/03/yemen-saudi-led-airstrikes-used-cluster-munitions
[9]http://edition.cnn.com/2015/05/03/middleeast/yemen-hrw-cluster-munitions-saudi-arabia/

[10]http://www.clusterconvention.org/files/2011/01/Convention-ENG.pdf

[11]https://www.icrc.org/ihl/INTRO/620?OpenDocument

Direct and indiscriminate attacks on civilians and civilian objects, as highlighted above are prohibited by the international laws of war. [12]Further, prohibited indiscriminate attacks include, among others attacks, area bombardment that treats as a single military objective a number of clearly separated and distinct military objectives, in an area containing a concentration of civilians and civilian objects. [2]

We are deeply concerned that coalition attacks on civilian, medical, and aid centers constitute a significant violation of international humanitarian law, and could potentially rise to the level of war crimes committed against the civilian and refugee populations in Yemen.

According to the Geneva Conventions, which is part of customary international law, and which all members of the coalition have universally ratified, the coalition is required to conduct hostilities in a manner that targets only legitimate military objectives, without engaging in indiscriminate attacks or the intentional targeting of civilian populations.

In light of substantial evidence that many of these principles have been ignored, we must strongly urge the coalition governments to extend the impending ceasefire in Yemen, and to guarantee that any further military action adheres to the provisions of international humanitarian law. The coalition must respect its commitments towards civilians, medics, and aid workers caught in the conflict, and cease the targeting of civilian and refugee population centers and medical treatment and aid facilities.

We also recommend the international community to set out all the necessary measures to initiate investigations on the alleged use of cluster bombs over densely populated areas. Taking into account that no member of the coalition are party to the Convention on Cluster Munitions, however other treaties should be referred to and applied, such as the 1997 Mine Ban Treaty,[13] ratified by Jordan, Kuwait, Qatar. and Sudan, and the 1980 Convention on Certain Conventional Weapons, ratified by Saudi Arabia, Jordan, USA, UAE, Kuwait.[14]

We call the HRC members at the next HRC 30th Session in September, should act to break the culture of impunity in Yemen and adopt a resolution to establish an international commission of inquiry to investigate alleged abuses and violations of international humanitarian law and international human rights law by all parties since September 2014, including in connection with the air and sea blockade imposed by coalition forces. The investigation should establish the facts, collect and conserve information related to abuses and violations, and identify those suspected of criminal responsibility for serious abuses and violations with a view to ensuring that they are brought to justice in fair trials.

The Human Rights Council, in its resolution 27/19 adopted in September 2014 on Yemen,[15] unanimously called for "an investigation into all cases of violations and abuses of human rights and cases of violations of international humanitarian law." The Office of the High Commissioner for Human Rights also encouraged the establishment of an international mechanism to investigate human rights violations that had taken place during the uprising in 2011. The failure to adequately implement those recommendations by both domestic and international actors further fuelled the culture of impunity in Yemen.

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[12] https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule11
[13] http://www.un.org/Depts/mine/UNDocs/ban_trty.htm
[14] https://www.icrc.org/ihl/INTRO/500?OpenDocument
[15] http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G14/171/03/PDF/G1417103.pdf?OpenElement